

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 25-21

Filed by: Interference Trial Section Merits Panel
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Filed:
13 December 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

STEPHEN P.A. FODOR, LUBERT STRYER,
J. LEIGHTON READ and MICHAEL C. PIRRUNG

Junior Party,
(Application 09/063,933),

v.

EDWIN SOUTHERN

Senior Party
(Patent 6,054,270).

Patent Interference No. 104,658

MAILED

DEC 14 2001

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Before: SCHAFER, LEE and SPIEGEL, Administrative Patent Judges
SCHAFER, Administrative Patent Judge

JUDGMENT PURSUANT TO 37 CFR § 1.662

Junior party Fodor has filed a paper (Paper 23) abandoning "the contest to the count of this interference in view of a settlement agreement between parties." Accordingly, it is

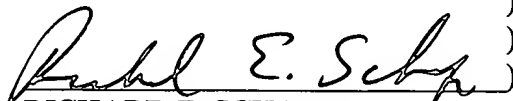
ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p. 5), is awarded against the junior party STEPHEN P.A. FODOR, LUBERT STRYER, J. LEIGHTON READ and MICHAEL C. PIRRUNG;

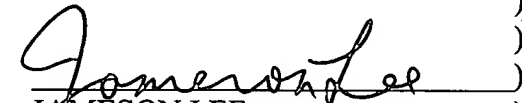
JUDGMENT NOTED
AM, 9-11-03

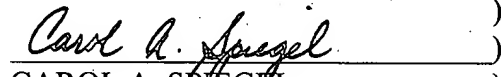
FURTHER ORDERED that junior party, STEPHEN P.A. FODOR, LUBERT STRYER, J. LEIGHTON READ and MICHAEL C. PIRRUNG, is not entitled to a patent containing claims 102, 103 and 106 (corresponding to Count 1) of Application 09/063,933;

FURTHER ORDERED that a copy of this judgment be made of record in Application 09/063,933 and in the file of Patent 6,054,270 ; and

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.


RICHARD E. SCHAFER
Administrative Patent Judge


JAMESON LEE
Administrative Patent Judge


CAROL A. SPIEGEL
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

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INTERFERENCE DIGEST

Interference No. 104,658

Paper No. 20

Name: Edwin Southern

Serial No.: 08/925,676

Patent No. 6,054,270, granted 04/25/00

Title: ANALYSING POLYNUCLEOTIDE SEQUENCES

Filed: 09/09/97

Interference with Fodor et al.

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, favorable Dated, 12-14-01

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.